

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.71385

Victoria L. Campbell
David A. Walker

6836 Dunbar Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 6, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-206 (a)(c), failure to remove trash, junk, debris to include but not limited to: sofa, upholstered chair, wood table top, plywood, metal, upholstered chairs, miscellaneous branches, miscellaneous metal and wood pieces, lampshade, air conditioner unit, etc., failure to store trash in containers with tight fitting lids; section 13-4-201 (d)(b); section 355-6-105 (2), tenant may not occupy a dwelling unit unless owner has been issued a license on residential property known as 6836 Dunbar Road, 21222.

On December 14, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Rebecca Daniels issued a Code Enforcement citation. The citation was personally served to the Respondent, Campbell.

The citation proposed a civil penalty of \$13,000.00 (thirteen thousand dollars).

The Respondents failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 1, 2009 to the property owners of 6836 Dunbar Road, for failure to obtain Rental Housing License for rental property. A Correction Notice was issued on December 9, 2009 to Respondents as tenant occupants of 6836 Dunbar Road, for illegal tenancy in unregistered rental unit and requiring relocation of tenants. This Citation was issued on December 14, 2009.

B. Respondents failed to appear for this Hearing. County Code Enforcement Inspector Rebecca Daniels testified that she inspected the property on several occasions and observed the cited violations. She further testified that Respondents are tenants of the property and that one of the property owners also lives in the house. The property owner who lives in the house, Mr. Rickie Miller, is mentally disabled. Respondents are not related to Mr. Miller or to the other property owner, Mrs. Victoria Vogel, who is Mr. Miller's mother-in-law and the grandmother of Mr. Miller's two teenage daughters who also live in the house. Mrs. Vogel's daughter is deceased. Inspector Daniels testified that Mrs. Vogel does not wish to operate this house as a rental property and does not want Respondents to continue as tenants in the house. The owners do not have a Baltimore County Rental Housing License. Respondent Victoria Campbell (tenant) lives in the property with one preschool child and a middle school-aged child. Inspector Daniels further testified that Ms. Campbell told her that Respondent David Walker (tenant) is her boyfriend.

C. This Citation was issued without prior Correction Notice for trash/junk/debris code violations pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC §3-6-205. Photographs in the file show junk and debris piled in the yard including old upholstered furniture, appliances, and garbage cans overflowing with trash and garbage without required lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC §13-7-310. As occupants of the property, Respondents are responsible for compliance with these code requirements.

D. Review of the file shows that this property is not in compliance with County requirements for rental housing. The property owners do not have a County Rental Housing License, so the tenancy of Respondent Campbell is not lawful. Respondent Campbell does not have a Rental Housing License, so her rental to David Walker is also not lawful, and she is subject to civil penalties for the illegal rental. BCC §35-6-105.

E. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed jointly and severally on Respondents in the amount of \$500.00 (five hundred dollars) for the code violations of junk, trash, debris, and improperly stored garbage.

IT IS FURTHER ORDERED that this civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by January 20, 2010, with all junk, trash and debris removed from the yard and with all garbage properly stored.

IT IS FURTHER ORDERED that after January 20, 2010, the County may enter the property for the purpose of removing all improperly stored junk, trash, debris, and garbage, at Respondents' expense.

IT IS FURTHER ORDERED that a civil penalty be imposed on Respondent Campbell in the amount of \$1,000.00 (one thousand dollars) for the illegal rental of property without a Rental Housing License to subtenant Walker.

IT IS FURTHER ORDERED that this second civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by January 20, 2010, with all tenants moved out of this unlicensed rental property, including tenant Respondent Campbell and sub-tenant Respondent Walker.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be collectible by Baltimore County in the same manner as any civil money judgment or debt may be collected. BCC §3-6-402.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of January 2010.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer